



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 06786-98

19 October 1999

LCDR [REDACTED] USNR

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Since your fax dated 14 October 1999 clarified that you did not desire removal of the contested fitness report for 1 February to 3 December 1990, the Board did not consider such action.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 14 August 1999, a copy of which is attached. The Board also considered your fax dated 14 October 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In light of your fax, the Board did not adopt the recommendation, in the advisory opinion, to remove the fitness report at issue. They were unable to find you should have been marked "A" rather than "B" in the five areas of the report you wanted modified. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

6786-98
1611
PERS-311
14 August 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: LCDR [REDACTED], USN [REDACTED]

Ref: (a) BUPERSINST 1611.1A FITREP Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to change blocks-29-30, 34, 38, and 57 from "B" to "A" on his fitness report for the period 1 February 1990 to 3 December 1990.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.

b. The report is a Detachment of Officer/Regular Report. The fitness report contains a decline of five letter grades, and therefore, in accordance with reference (a), the instruction in effect at the time the report was written, the report should have been marked declining, treated as adverse, and referred to the member for comments. No specifics of poor performance are provided in the comment section to substantiate the marks and grades assigned.

c. The member prove the report to be unjust or in error.

3. We recommend removal of the report.

Head, Performance
Evaluation Branch